IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA EASTERN DIVISION

NO. 4:08-CR-3-FL-1

UNITED STATES OF AMERICA)	
)	
)	
v.)	
)	ORDER
KEVIN MYELL SLADE,)	
)	
Defendant.)	

This matter is before the court on defendant's motion (DE 114) to correct clerical error in presentence investigation report. Upon careful review of defendant's motion and the record in this case, the court has determined that the motion must be recharacterized as a second and successive petition attacking his conviction and sentence under 28 U.S.C. § 2255. See United States v. Winestock, 340 F.3d 200, 206-07 (4th Cir. 2003). Therefore, the court DISMISSES defendant's motion for lack of jurisdiction. See id.; United States v. McRae, 793 F.3d 392, 400 (4th Cir. 2015). In the event defendant wishes to proceed with such claims, 28 U.S.C. § 2244(b)(3)(A) provides that before a second or successive habeas corpus application may be filed in the district court, the applicant must move the appropriate court of appeals for an order authorizing the district court to consider the application.

SO ORDERED, this the 3rd day of October, 2018.

ZOUISE W. FLANAGAN United States District Judge